

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

NOLEN SCOTT ELY, ET AL.,

Plaintiffs,

vs.

CASE NO.: 3:09-cv-02284-MCC
Chief Magistrate Judge
Martin C. Carlson

CABOT OIL & GAS
CORPORATION,

Defendant.

Deposition of **JAMES PINTA, JR.**, held on
Tuesday, August 11, 2015, taken at the Law Offices of
Norton Rose Fulbright, US LLP, 666 Fifth Avenue, New
York, New York, 10105, commencing at 9:43 a.m., before
Vicki Livings, a Shorthand Reporter and Notary Public in
and for the State of New York.



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2 hearing board?

3 A. Yes.

4 Q. Was the meeting in Canonsburg for
5 preparation for the hearing in that matter?

6 A. I believe it was.

7 Q. What was going to be your role in
8 that hearing?

9 A. In that hearing my assignment was to
10 review and evaluate the water treatment
11 systems, the ten locations that Cabot had
12 installed, only those ten, and also to review
13 Mr. Ruben's affidavit file in that matter.

14 Q. Mr. Ruben filed an affidavit in the
15 administrative matter?

16 A. I believe he did, yes.

17 Q. You said part of your assignment was
18 to evaluate water treatment systems, only
19 those ten?

20 A. Correct, they are the only ones I
21 looked at.

22 Q. How many treatment systems are there
23 in the Dimock, Springville area?

24 A. I don't know.

25 Q. But you know there are more than



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ten?

MR. WILSON: Object to form of the question.

A. I don't know yes or no, I can't answer that.

BY-MS.LEWIS:

Q. I'm intrigued by the word only, only those ten.

A. Right, that's correct.

Q. Would you agree that to the ordinary person by saying the word only, that means there are more than those ten?

A. I'm trying to be as accurate as I can as to what I did, and what my assignment was.

Q. So your testimony under oath today is that you have no idea whether there are more than ten treatment systems placed by Cabot in homes in the Dimock, Springville area; is that your sworn statement?

A. I know of one other system in that area.

Q. One other system, meaning there's a different system that is in other homes, or



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A. I believe that's two different things.

BY-MS.LEWIS:

Q. Answer any part of it, what you wish.

MR. WILSON: Object to form of the question.

A. Would you repeat the question.

MS. LEWIS: Would you read it back.

(Whereupon, the record was read by the reporter.)

BY-MS.LEWIS:

Q. Who would know this community better than you with respect to this case, with respect to the geology and the property and the community?

MR. WILSON: Object to form of the question.

A. The physical landscape, the physical residences, the treatment systems, quite a few of the well sites, I know them very well.

BY-MS.LEWIS:

Q. And you have had more hands-on



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Q. Does installation of water treatment systems in homes equal remediation; is that one and the same?

A. Yes.

Q. That's remediation of a problem; isn't that correct?

A. It is remediation of a situation.

Q. And a situation doesn't need to be remediated if there's not a problem, correct?

A. It depends what the definition of remediation is.

Q. Remediation fixes something, you're bringing it back to another state, correct, remediate, the definition? We could look it up on a computer.

A. I would say that's a fair statement.

Q. You're fixing a problem when you remediate something, you are repairing it, correct?

MR. WILSON: Object to form of the question. It's compound.

A. Would you repeat the question again.

MS. LEWIS: Would you read it back.

(Whereupon, the record was read by



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the reporter.)

A. When you remediate something, you're changing a situation.

BY-MS.LEWIS:

Q. Wouldn't you call that dancing around the definition? It's fixing a situation or --

A. Again, I don't understand what you mean by a problem.

Q. Let's focus explicitly on the ten treatment households where treatment systems were placed. Why were they placed there?

A. It's my opinion --

Q. That's not what I'm asking. If you don't know, you don't know. If you know, I want to know the answer.

Why were they placed there?

MR. WILSON: Object to form of the question.

A. I don't know exactly why every system was placed where they were placed, for what reasons or reason, I don't know.

BY-MS.LEWIS:

Q. But the placement was to remediate,



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correct?

A. The placement was to remediate their drinking water.

Q. To what condition?

A. I don't know what condition.

Q. Did you know the condition before the treatment systems were placed?

A. I have reviewed data to take a look at that, yes.

Q. Based on reviewing data to take a look at that, what was your determination in any instance as to why a treatment system was placed in any one of those ten homes?

A. The systems were placed, I believe, for a variety of reasons, some of which were to lower the concentrations of certain constituents in the ground water.

Q. In some instances it's your opinion that the treatment systems were placed there in an effort to lower concentration of constituents in ground water; is that correct?

A. Yes.

Q. And those were elevated



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concentrations, correct?

A. I don't know what you mean by elevated.

Q. There are ranges of normal, correct?

A. There's a background concentration, yes.

Q. So, were those treatment systems there to remediate background levels, background concentrations of constituents in ground water?

A. I believe that's the case, yes.

Q. Were there any treatment systems in Dimock or Springville that you know of prior to these ten being placed?

A. I believe I know of one such system before these ten systems were placed.

Q. Which residence was that?

A. I believe at the Sautner residence.

Q. What kind of system was at the Sautner residence?

A. I'm not familiar with what they were treating.

Q. With respect to task one of your assignment, which was to assemble, check



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A. I'm trying to think back. I don't believe I have worked for a plaintiff suing on oil and gas company.

Q. And you've provided expert reports providing the efficacy of water treatment systems, correct?

A. Yes.

Q. And where you say, quote, expert reports, when did you last provide an expert report evaluating the efficacy of water treatment systems?

A. That would have been the supplemental report that was submitted in this matter.

Q. Prior to that when was the last time that you evaluated the efficacy of water treatment systems?

A. That would have been in preparation of a report in the environmental hearing board matter.

Q. Also this case?

A. Yes, ma'am.

Q. Prior to your assistance in the administrative matter in providing expert reports, the administrative matter related to



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this case, what was the previous time when you evaluated the efficacy of water treatment systems?

A. For an expert report -- can you read that back.

(Whereupon, the record was read by the reporter.)

A. That would have been an evaluation of the treatment system. I don't remember the date of the evaluation.

BY-MS.LEWIS:

Q. So there might have been one other time prior to this case where you may have evaluated the efficacy of treatment systems?

A. The efficiency of existing treatment systems. It's more than two and less than five separate times.

Q. This is over 35 or more years, correct?

A. Yes.

Q. Tell me what you can remember about the two to five.

A. One was a treatment system that was remediating an underground storage tank



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release, release from an underground storage tank of petroleum products.

Q. That was a water treatment system?

A. Yes, that was a water treatment, it was a pump and treat system.

Q. What is a pump and treat system?

A. A pump and treat system pumps the water out of the ground, treats it and then does something with the treated water, either discharges it to the surface, or puts it back into the ground or water system or plant that uses the water for noncontact cooling water, and then discharges it, so it could be used for a variety of purposes.

Q. But not drinking, right?

A. In one case it was a drinking water system.

Q. This case here --

A. Not the underground storage tank, no.

Q. Was that in Texas or someplace else?

A. I believe that was in North Carolina.

Q. What do you remember about --

A. There's another one that involved a



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drinking water treatment system, it was public water.

Q. It was for public water?

A. Yes, it was treating ground water, and it was supplying water to a public water system.

Q. Like a municipality's water system?

A. Yes.

And another system I evaluated was a vapor extraction system at a dry cleaning operation; remediating dry cleaning fluids that had been released to the environment.

Q. Was that vapor extraction system to bring the water to drinking level standards, or something else?

A. That particular system was to bring the soil to cleanup standards.

Q. And there were also vapor issues?

A. Yes.

Q. Did you work on air purification or remediation of contaminated air in that particular --

A. In that particular case, no.

Q. So, we have the pump and treat at a



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adjusted, we typically do that, but that wouldn't essentially be an efficiency report.

We have done work with remediation systems at several petroleum facilities, a refinery or five refineries. These are remediation systems that are installed and operating, and we're constantly --

I would call that more of optimization, so evaluation of optimization of those systems.

Q. You have no experience designing these systems, correct; I think you already stated that, right?

A. I'm not an engineer; however, I have extensive experience in what I term conceptual design.

Q. Like do you actually draw an idea on paper?

A. It might work that way.

Q. And you give it to an engineer?

A. Yes, I do that, and I essentially put various unit operations that I know have worked in certain instances, for example, aeration, filtration, coordination, air



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stripping, depending on -- vapor extraction,
carbon filtration, things like that.

And then I take these unit
operations with my, quote, unquote, conceptual
design and hand them to an engineer, and the
engineer asks the pertinent questions; what
does it flow through, what is the contaminant
loading or constituent loading that you want
to remove, what is the desired output, what
is the objective of the treatment process,
things like that.

So it's not the nuts and bolts
design that I do. It's more the conceptual
design, and evaluation of how the engineer
does his job.

Q. So you certainly have no role in
installing these things yourself, correct?

A. No.

Q. That's left to others?

A. Yes.

Q. And you don't have any particular
experience operating them personally, correct,
you might see the results, do a conceptual
design, but you're not on the ground putting



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them together, overseeing, correct?

A. That's correct.

Q. And you certainly don't have anything to do with -- maybe you do. Do you have any role in the maintenance of these units?

A. In the sense if I'm evaluating a treatment system, and it doesn't appear to be doing what it needs to be doing, I may suggest that something be done to optimize a particular system.

Q. In the case of the ten households in Dimock for which you included table 19B, do all of those treatment systems appear to be doing what it needs to be doing, using your words?

MR. WILSON: Object to form of the question.

A. I don't believe that all of the ten systems are operational at this time.

BY-MS.LEWIS:

Q. How many are?

A. I know one that is not fully operational, or Cabot cannot get samples to evaluate.



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Q. Which is that?

A. I believe that is the Johnson Galenas.

Q. Is it your testimony that nine out of ten are appearing to be doing what it needs to do, that's using your words, nine out of the ten, and you don't know about Johnson?

A. Correct, I believe that is accurate.

MR. WILSON: We'd like to take a break.

(Whereupon, a brief recess was taken.)

MS. LEWIS: I'll withdraw the last question.

BY-MS.LEWIS:

Q. As far as you know, other than the Johnsons, of the nine other treatment systems in Dimock that you evaluated data from, are they working as they should, performing as they should?

A. Again, I don't know the exact operational condition of every system because I'm not involved in that, and was not asked



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to evaluate that. What I was asked to evaluate was the operational treatment efficiency of these systems.

So, at times we'll have data that doesn't allow me to make that treatment system evaluation; for example, at times there will be just influent data, or at times effluent data.

So without having a data point where we have influent constituent concentrations and effluent constituent concentrations, I can't evaluate whether or not a treatment system is working as it should that particular day.

Q. But you're going to testify at trial, if asked, that the treatment systems are working efficiently; is that correct?

A. The treatment systems are working at greater than, significantly greater than 75, 85, in some cases 99.9 percent efficiency.

MS. LEWIS: Would you read that back.

(Whereupon, the record was read by the reporter.)



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BY-MS.LEWIS:

Q. At which home is the unit working at 99.9 efficiency?

A. I believe it's the Bill Ely treatment system in removal of methane.

Q. So for methane, the Bill Ely system is working well, efficiently?

A. Very much so.

Q. How about with respect to other aspects -- first of all, what was the objective of the treatment system for the Bill Ely household?

A. I don't know what the objective of the treatment system was. That was not my -- what I was hired to evaluate.

Q. Isn't that something you need to assess in determining whether it's working efficiently, how close it is to achieving its goal, to what extent it's achieving the goal of the placement of the system; isn't that a factor?

A. The factor there would be to compare the removal of constituents to some benchmark; for example, for aluminum, a



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was installed and online and operational.

Q. Are you talking about Exhibit-19B or something else?

A. I can't remember which number.

Q. The new exhibit that was provided to me within the last couple of days regarding treatment system data, which we're talking about now, is there a notation on this?

A. There's a notation that they are all indicated by location.

Q. Did you make up this table?

A. Yes, I did.

Q. What point type did you select?

A. I don't remember.

Q. I've seen mouse type before, but you agree this is very difficult to read, your 19B?

MS. LEWIS: Would you mark this as Exhibit-3A.

(Whereupon, Plaintiffs' Exhibit-3A, six pages taken from Exhibit-19A were marked for purposes of identification.)

BY-MS.LEWIS:

Q. We're showing you what has been



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marked as Plaintiffs' Exhibit-3A, six pages of data showing your evaluation of the efficiency of the ten treatment systems in Dimock; is that correct?

A. No.

Q. What is Exhibit-3A?

A. That's from my Exhibit-19B, from my supplemental report that describes that, that tabulates the data for location ten.

Q. So this is one location?

A. Yes, ma'am.

Q. Do you have this data for all of the ten wells?

A. It's one of the ten locations, yes.

Q. And that was included in your original report -- when did I receive these, all ten?

A. These are the exhibits to the supplemental report that was submitted on June 26.

Q. 2015?

A. Yes.

Q. You attached all ten, you had exhibits that covered all of the ten



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locations; is that correct?

A. Yes, ma'am.

Q. And you've just updated data for location ten and not for other locations?

A. For all ten locations.

MR. WILSON: To clarify, if it's got an A designation to it, as in Exhibits-10A through 18A, those were served on you, by my notes, on July 29.

MS. LEWIS: Electronically?

MR. WILSON: Yes, and 19B replaced 19A, and that was served --

MS. LEWIS: A couple of days ago.

MR. WILSON: Yes.

BY-MS.LEWIS:

Q. I can't read these, so I'm going to have you tell me, generally looking at the data that you provided to demonstrate that these ten units are working efficiently, what data have you provided on which to make that decision?

A. The data tables contain data from sampling of influent water and effluent water, and in some cases unfortunately in



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